IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2172 OF 2004

Prakash R. Shenai ...Petitioner

Vs.

The State of Maharashtra & Ors. ...Respondents

Dr. Shri Prakash R. Shenai-Petitioner in person.
Shri S.V.More, A.P.P. for the State.

CORAM : A. S. OKA, J.
DATE : OCTOBER 03, 2006.

P.C.:

1. The report submitted by the Registrar(Judicial I) dated 29th September, 2006 discloses that the Presiding Officer of 49th Court, Vikroli, Mumbai was transferred on 15th May, 2006. Since then, the court is vacant. The charge of the said court is with Shri N.D.Gosawi, Special Metropolitan Magistrate and Judge Small Causes Court at Vikroli, Mumbai.

2. As noted in order dated 18th September, 2006, in a private complaint filed by the second Respondent, an order was passed under section 156(3) of the Code of Criminal Procedure, 1973. The Petitioner has pointed out that after completion of investigation, the Economic Offences Wing has submitted a report praying that the case may be classified as 'C' summary. However, further order on the basis of the report could

not be passed as the concerned court is not having a regular Presiding Officer.

3. As pointed out by the Registrar (Judicial I), the said court is vacant from 15th May, 2006. The grievance of the Petitioner is that in view of pendency of the said case his passport is not being renewed and his account has been freezed. He submitted that as final order is not passed on the basis of report recommending 'C' summary, his passport cannot be renewed and he cannot operate the bank account.

4. In view of this position, it is directed that if regular court does not become available till 10th November, 2006, the learned Judge holding the charge of the said court will pass appropriate order on the report submitted by the Investigating Officer as expeditiously as possible and preferably on or before 22nd December, 2006.

5. As report is already submitted by the Investigating Agency classifying the case as 'C' summary, no further directions are required in this Petition. Save and except what is stated above, the Petition is disposed of.

JUDGE